

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 11, 2023**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, April 11, 2023 at 9:00 A.M. and 9:45 A.M. Chairperson Klein called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele, Sherry Morrow and Ivan Klein. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County website, and the bulletin boards located outside the County Clerk’s office and County Board Room on April 6, 2023. Chairperson Klein announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton was present.

REGULAR AGENDA

Moved by Higgins and seconded by Loeffelholz to approve the March 28, 2023 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Maendele, Morrow and Klein. Abstain: Lynch. Motion declared carried.

Sheriff Neil Miller, Kearney Police Chief Bryan Waugh, Chief Deputy Daniel Schleusener, Lieutenant Robert Tubbs, as well as Dispatchers Nani Pollard and Linda Layton were present for the Proclamation of the National Public Safety Telecommunicators Week. Commissioner Maendele read the proclamation and thanked those who serve Buffalo County. Moved by Maendele and seconded by Kouba to proclaim the week of April 9, 2023 through April 15, 2023 as “National Public Safety Telecommunicators Week” in Buffalo County with the following Resolution 2023-16. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-16

PROCLAMATION

Name the Week April 9, 2023 through April 15, 2023 as “National Public Safety Telecommunicators Week” in Buffalo County

WHEREAS, every day, dedicated public safety telecommunicators serve the people of Buffalo County by answering their requests for emergency assistance and dispatching the appropriate law enforcement, fire, or emergency medical personnel as quickly as possible; and

WHEREAS, the professional public safety telecommunicator is that vital link between the citizens who call 9-1-1 and the law enforcement, fire and emergency personnel who may save their life or property in an emergency; and

WHEREAS, the safety of Buffalo County’s first responders depends on the quality and accuracy of information obtained by professional public safety telecommunicators and delivered via radio, telephone and computers services; and

WHEREAS, the critical functions performed by professional public safety telecommunicators also include those related to highway safety, road maintenance, public utilities and other services that affect the health and safety of our citizens; and

WHEREAS, emergencies can strike at any time, so we rely on the vigilance and preparedness of these individuals 24 hours a day, 365 days a year.

NOW, THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that Buffalo County enjoys the highest standards of public health and safety, and we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

Moved by Lynch and seconded by Higgins to ratify the following April 7, 2023 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

APRIL 7, 2023 PAYROLL

GENERAL FUND			
NET PAYROLL			309,830.61
AMERICAN FAMILY LIFE	I	PREMIUMS	1,246.86

RETIREMENT PLANS AMERITAS	R	EMPE RET	49,467.40
BUFFALO CO TREASURER	I	PREMIUMS	129,236.00
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,150.00
FIRST CONCORD	E	FLEX FUNDS	5,507.91
FIRST NATIONAL BANK	T	FEDERAL TAXES	98,582.00
KEARNEY UNITED WAY	E	DONATIONS	61.00
MADISON NATIONAL LIFE	I	PREMIUMS	1,103.97
MADISON NATIONAL LIFE	I	LT DISABILITY	282.50
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
NATIONWIDE RETIREMENT	R	DEFERRED COMP	385.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.00
PRINCIPAL	E	DENTAL	3,404.04
STATE OF NE	T	STATE TAXES	16,920.91
VISION SERVICE PLAN	E	EMPE VSP EYE	881.02
<u>ROAD FUND</u>			
NET PAYROLL			38,703.83
AMERICAN FAMILY LIFE	I	PREMIUMS	747.72
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,006.37
BUFFALO CO TREASURER	I	PREMIUMS	3,927.00
FIRST CONCORD	E	FLEX FUNDS	914.92
FIRST NATIONAL BANK	T	FEDERAL TAXES	18,278.62
MADISON NATIONAL	I	PREMIUMS	204.21
MADISON NATIONAL	I	LT DISABILITY	113.81
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
PRINCIPAL	E	DENTAL	1,065.84
STATE OF NE	T	STATE TAXES	2,918.13
VISION SERVICE PLAN	E	EMPE VSP EYE	254.71
<u>COVID AMERICAN RESCUE FUND</u>			
NET PAYROLL			1,142.87
AMERICAN FAMILY LIFE	I	PREMIUMS	30.23
RETIREMENT PLANS AMERITAS	R	EMPE RET	303.33
BUFFALO CO TREASURER	I	PREMIUMS	281.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	403.55
MADISON NATIONAL	I	PREMIUMS	4.90
MADISON NATIONAL	I	LT DISABILITY	5.91
PRINCIPAL	E	DENTAL	45.52
STATE OF NE	T	STATE TAXES	54.35
VISION SERVICE PLAN	E	EMPE VSP EYE	14.08
<u>WEED FUND</u>			
NET PAYROLL			3,177.95
RETIREMENT PLANS AMERITAS	R	EMPE RET	840.87
BUFFALO CO TREASURER	I	PREMIUMS	281.00
FIRST CONCORD	E	FLEX FUNDS	25.00
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,696.82
MADISON NATIONAL	I	LT DISABILITY	3.68
PRINCIPAL	E	DENTAL	60.96
STATE OF NE	T	STATE TAXES	269.62

Moved by Loeffelholz and seconded by Morrow to approve the early claim submitted by the County Clerk as listed below. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Morrow, Higgins, Kouba, Lynch, Maendele and Klein. Motion declared carried.

<u>ROAD FUND</u>			
MACHINERY AND EQUIPMENT FUEL	T	FUELS TAX	4,345.00

Moved by Morrow and seconded by Lynch to accept the Clerk of the District Court March 2023 Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Morrow and seconded by Maendele to accept the Buffalo County Treasurer March 2023 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Morrow, Maendele, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

Moved by Lynch and seconded by Morrow to accept the February 2023 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Lynch, Morrow, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Chairperson Klein reviewed the following correspondence. Alliance for the Future of Agriculture in Nebraska (AFAN) sent a post card invitation for a livestock facility tour. Center for Infrastructure and Economic Development sent a letter about their company and services they offer. City of Kearney sent a letter regarding the City of Kearney Planning Commission agenda for the April 21, 2023 meeting. Chairperson Klein called on each Board member present for committee reports and recommendations.

ZONING

Zoning Administrator Dennise Daniels was present for the following Zoning agenda items.

Chairperson Klein opened the public hearing at 9:15 A.M. for a Vacation Application filed by Mitch Humphrey, Registered Land Surveyor, on behalf of Brad Wegner, Trustee of 10075 First Avenue, L.L.C., for property described as Part of the public road (now known as 1st Avenue) as shown on the plat and dedication of Raasch Subdivision, a subdivision being part of the West Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Mitch Humphrey was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:20 A.M. Moved by Higgins and seconded by Loeffelholz to approve the Vacation Application with the following Resolution 2023-17. Upon roll call vote, the following Board members voted "Aye": Higgins, Loeffelholz, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-17

WHEREAS, Mitch Humphrey, licensed land surveyor, on behalf of Brad Wegner, Trustee, 10075 First Avenue, L.L.C., owners of:

Part of the Public Road (now known as 1st Avenue) as shown on the plat and dedication of Raasch Subdivision, a subdivision being part of the West Half (W1/2) of the Southwest Quarter (SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of Section 1 and assuming the South line of the Southwest Quarter of Section 1 as bearing S 89°55' E and all bearings contained herein are relative thereto; thence on the South line of the Southwest Quarter of Section 1, S 89°55' E a distance of 435.99 feet to the Southwest Corner of a tract of land described in Warranty Deed filed as Document No. 2015-04494, recorded on July 21, 2015 in the office of the Register of Deeds of Buffalo County, Nebraska; thence leaving said South line of the Southwest Quarter of Section 1 and on the West line of the tract of land described in Warranty Deed filed as Document No. 2015-04494, N 00°13' E a distance of 465.0 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northwest Corner of that portion of the Public Road shown on the plat and dedication of Raasch Subdivision vacated by Resolution of the Buffalo County Board of Supervisors, said resolution is filed on Microfilm Roll 94, Pages 780-783, recorded January 11, 1994 in the office of the Register of Deeds of Buffalo County, Nebraska, such point also being the Northwest Corner of the tract of land described in Warranty Deed filed as Document No. 2015-04494; thence continuing N 00°13' E and on the West line of said Public Road (now known as 1st Avenue) as shown on the plat and dedication of Raasch Subdivision a distance of 79.90 feet to a point on the North line of the tract of land described in Warranty Deed filed as Document No. 2015-04494 if extended westerly; thence S 89°55' E on the North line of said tract of land described in Warranty Deed filed as Document No. 2015-04494 if extended westerly, a distance of 74.15 feet to a point on the East line of said Public Road (now known as 1st Avenue), said point being a Northwest Corner of the tract of land described on Warranty Deed filed as Document No. 2015-04494; thence on the line common to the East line of said Public Road (now known as 1st Avenue) and the West line of the tract of land described in Warranty Deed filed as Document No. 2015-04494, S 02°47'49" W a distance of 80.09 feet to the Northeast Corner of that portion of said Public Road vacated by Resolution of the Buffalo County Board of Supervisors; thence on the line common to the North line of that portion of said Public Road vacated by Resolution of the Buffalo County Board of Supervisors and the westerly line of the tract of land described in Warranty Deed filed as Document No. 2015-04494, S 89°55' W a distance of 70.52 feet to the place of beginning.

being hereinafter referred to as the "described property".

Have filed to vacate the described property with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, on March 16, 2023, the Buffalo County Planning and Zoning Commission conducted a public hearing on such Application for Vacation and on an 8-0 vote with one absent and no abstentions, voted to forward this application to the County Commissioners with a recommendation to authorize vacation of the described property, and

WHEREAS, on April 11, 2023, this Board conducted a public hearing considering this request and finds:

1. The described property is situated in the Agricultural – Residential (AGR) Zoning District of Buffalo County, Nebraska. An Application for Zoning Map Amendment, inventoried as Permit# 2023-005, was subsequently filed to rezone the described property to Commercial (C).
2. The proposed vacation of the public road, as described, fulfills Buffalo County's Subdivision Resolution requirements for vacation of a subdivision as specifically allowed under Section 3.21, together with other provisions applicable thereto.
3. Furthermore, the vacated tract of land as described, will be united, in its entirety, with the tract of land situated easterly, located at 10075 1st Avenue, Kearney, Nebraska or described as tax parcel ID 560006017.
4. No public utilities occupy the land sought to be vacated.
5. The proposed vacation of the described property should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that the proposed vacation of this subdivision is approved.

RESOLVED FURTHER, that a copy of this Resolution, when it is filed with the Buffalo County Register of Deeds against the above-named legal description, shall cause the vacation of previously subdivided land.

Chairperson Klein opened a public hearing at 9:21 A.M. for a Zoning Map Amendment filed by Mitch Humphrey, Registered Land Surveyor, on behalf of Brad Wegner, Trustee of 10075 First Avenue, L.L.C., for property described as Part of the public road (now known as 1st Avenue) as shown on the plat and dedication of Raasch Subdivision, a subdivision being part of the West Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska. The applicant has requested to rezone approximately 0.133 acres, more or less, from Agricultural – Residential (AGR) to Commercial (C). Mitch Humphrey was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:22 A.M. Moved by Lynch and seconded by Maendele to approve the Zoning Map Amendment with the following Resolution 2023-18. Upon roll call vote, the following Board members voted "Aye": Lynch, Maendele, Higgins, Kouba, Loeffelholz, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-18

WHEREAS, on February 14, 2023, Mitch Humphrey, licensed land surveyor, on behalf of Brad Wegner, Trustee, 10075 First Avenue, L.L.C., has applied for a Zoning Map Amendment with the Buffalo County Zoning Administrator, requesting that the following real estate property, hereinafter referred to as the “subject property”, to wit:

Part of the Public Road (now known as 1st Avenue) as shown on the plat and dedication of Raasch Subdivision, a subdivision being part of the West Half (W1/2) of the Southwest Quarter (SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of Section 1 and assuming the South line of the Southwest Quarter of Section 1 as bearing S 89°55’ E and all bearings contained herein are relative thereto; thence on the South line of the Southwest Quarter of Section 1, S 89°55’ E a distance of 435.99 feet to the Southwest Corner of a tract of land described in Warranty Deed filed as Document No. 2015-04494, recorded on July 21, 2015 in the office of the Register of Deeds of Buffalo County, Nebraska; thence leaving said South line of the Southwest Quarter of Section 1 and on the West line of the tract of land described in Warranty Deed filed as Document No. 2015-04494, N 00°13’ E a distance of 465.0 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northwest Corner of that portion of the Public Road shown on the plat and dedication of Raasch Subdivision vacated by Resolution of the Buffalo County Board of Supervisors, said resolution is filed on Microfilm Roll 94, Pages 780-783, recorded January 11, 1994 in the office of the Register of Deeds of Buffalo County, Nebraska, such point also being the Northwest Corner of the tract of land described in Warranty Deed filed as Document No. 2015-04494; thence continuing N 00°13’ E and on the West line of said Public Road (now known as 1st Avenue) as shown on the plat and dedication of Raasch Subdivision a distance of 79.90 feet to a point on the North line of the tract of land described in Warranty Deed filed as Document No. 2015-04494 if extended westerly; thence S 89°55’ E on the North line of said tract of land described in Warranty Deed filed as Document No. 2015-04494 if extended westerly, a distance of 74.15 feet to a point on the East line of said Public Road (now known as 1st Avenue), said point being a Northwest Corner of the tract of land described on Warranty Deed filed as Document No. 2015-04494; thence on the line common to the East line of said Public Road (now known as 1st Avenue) and the West line of the tract of land described in Warranty Deed filed as Document No. 2015-04494, S 02°47’49” W a distance of 80.09 feet to the Northeast Corner of that portion of said Public Road vacated by Resolution of the Buffalo County Board of Supervisors; thence on the line common to the North line of that portion of said Public Road vacated by Resolution of the Buffalo County Board of Supervisors and the westerly line of the tract of land described in Warranty Deed filed as Document No. 2015-04494, S 89°55’ W a distance of 70.52 feet to the place of beginning.

Containing 0.133 acres more or less, hereinafter referred to as “subject property”, be changed from the Agricultural – Residential (AGR) District to the Commercial (C) District. The property is in the name of 10075 First Avenue, L.L.C.

WHEREAS, this is solely a zoning map amendment request and the subject property would or could have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on March 16, 2023, the Buffalo County Planning and Zoning Commission, following public hearing with notice as required, recommended approval of such proposed change in zoning on an 8-0 vote with one absence and no abstentions, and

WHEREAS, on April 11, 2023, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County Zoning Regulations, and Comprehensive Plan, and finds:

- a. No letters of opposition against the amendment.
- b. That such change in zoning designation would have minimal adverse effect on surrounding properties.
- c. That the intended uses of the Commercial (C) District are consistent with property use in the surrounding area.
- d. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to already existing public improvements, such as sufficient utilities and an all-weather road, so that the map amendment with its attendant changes in uses will not cause additional public costs to function effectively.

WHEREAS, no protest (s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under Section 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment to change the subject property from the Agricultural – Residential (AGR) District to Commercial (C) District is approved, and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed's office against subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Chairperson Klein opened the public hearing at 9:23 A.M. for an Administrative Subdivision filed by Mitch Humphrey, Registered Land Surveyor, on behalf of Judy I. Miller, President of Notrie Enterprises, Inc., to be known as "Notrie Administrative Subdivision." This property is located in part of the South Half of the Southwest Quarter of the Northwest Quarter of Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska. Mitch Humphrey was present to review the application and answer questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:25 A.M. Moved by Lynch and seconded by Higgins to approve the Administrative Subdivision with the following Resolution 2023-19. Upon roll call vote, the following Board members voted "Aye": Lynch, Higgins, Kouba, Loeffelholz, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-19

WHEREAS, Mitch Humphrey, licensed land surveyor, on behalf of Judy I. Miller, President of Notrie Enterprises, Inc., hereinafter referred to as "applicant", has filed for an Administrative Subdivision to be known as "Notrie Administrative Subdivision", with the Buffalo County Clerk and/or Zoning Administrator, and

WHEREAS, the Zoning Administrator forwarded this application to this Board, and

WHEREAS, on April 11, 2023, this Board conducted a public hearing now and finds:

1. The proposed "Notrie Administrative Subdivision" is in the Agricultural – Residential (AGR) Zoning District for Buffalo County, Nebraska.
2. The remaining portion of the subdivided tract, presently owned by Notrie Enterprises, Inc. referred to as part of Parcel ID 520082000, and situated in part of the South Half of the Southwest Quarter of the Northwest Quarter, Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, complies with the minimum lot size of this zoning district; any remnant property not subdivided and owned by Notrie Enterprises, Inc., amounts to roughly 16 acres.
3. The proposed plat for this subdivision fulfills Buffalo County's Subdivision Resolution requirements for administrative subdivisions specifically allowed under Section 3.02, together with other provisions applicable, thereto.
4. 17th Road is a county-maintained, open public road and it abuts the subdivision on its south side. The width of 17th Road meets this county's minimum width standards.
5. Title search paperwork has been provided to the Buffalo County Attorney's Office and that office has cleared title as concerns Buffalo County's interests based upon the title search documents delivered to that office by applicant.
6. This proposed administrative subdivision should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS in regular session with a quorum present, that the plat of "Notrie Administrative Subdivision", an administrative subdivision being located in part of the South Half of the Southwest Quarter of the Northwest Quarter of Section Three (3), Township Eight (8) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified, is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Chairperson Klein opened a public hearing at 9:25 A.M. for a Zoning Map Amendment filed by Kristal Stoner, Executive Director of Audubon Great Plains, for property described as Government Lot One (1), Government Lot Two (2), Government Lot Three (3), and the Southeast Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section Fifteen (15), Township Eight (8) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and Government Lot Eight (8), Section Ten (10), Township Eight (8) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and Government Lot Eight (8), Section Ten (10), Township Eight (8) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 362.7 acres, more or less, from Agriculture (AG) to Rural Conservation (RC). Jennie Kozal, of Olson Engineering, and Bill Taddicken, Director of the National Audubon Society- Rowe Sanctuary, were present to review the application and answer questions. Garrett Walter of Good Life Architecture spoke in support. No one else addressed the Board and Chairperson Klein closed the hearing at 9:28 A.M. Moved by Higgins and seconded by Kouba to approve the Zoning Map Amendment with the following Resolution 2023-20. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Loeffelholz, Lynch, Maendele, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-20

WHEREAS, on February 17, 2023, Kristal Stoner, Executive Director of Audubon Great Plains, a regional office of The National Audubon Society, Inc., has applied for a Zoning Map Amendment with the Buffalo County Zoning Administrator, requesting that the following real estate property, hereinafter referred to as the “subject property”, to wit:

Lots One (1), Two (2), Three (3), and the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) and the North Half of the Southwest Quarter (N1/2 SW1/4) of Section 15, Township 8 North, Range 14 West of the 6th P.M., Buffalo County Nebraska; And Lot Eight (8) in Section 10, Township 8 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska.

Containing 362.7 acres more or less, hereinafter referred to as “subject property”, be changed from the Agriculture (AG) District to the Rural Conservation (RC) District. The property is in the name of The National Audubon Society, Inc.

WHEREAS, this is solely a zoning map amendment request and the subject property would or could have other land use regulations that would apply to it above and beyond the zoning map amendment sought at this meeting, and

WHEREAS, on March 16, 2023, the Buffalo County Planning and Zoning Commission, following public hearing with notice as required, recommended approval of such proposed change in zoning on an 8-0 vote with one absence and no abstentions, and

WHEREAS, on April 11, 2023, this Board conducted a public hearing and considered this Zoning Map Amendment, the minutes of the Planning and Zoning Commission considering this amendment, Buffalo County Zoning Regulations, and Comprehensive Plan, and finds:

- a. No letters of opposition against the amendment.
- b. That such change in zoning designation would have minimal adverse effect on surrounding properties.
- c. That the intended uses of the Rural Conservation (RC) District are consistent with property use in the surrounding area.
- d. This amendment is consistent with the growth and development of Buffalo County and the overall Comprehensive Plan adopted by Buffalo County, Nebraska, and
- e. The subject property is situated close to already existing public improvements, such as sufficient utilities and an all-weather road, so that the map amendment with its attendant changes in uses will not cause additional public costs to function effectively.

WHEREAS, no protest (s) against such amendment have been filed with the Buffalo County Clerk within seven days of conclusion of public hearing of such Commission as allowed under Section 11.4, and

WHEREAS, the votes in favor of adoption of this resolution need only be by majority of members to this Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS that application for zoning map amendment to change the subject property from the Agriculture (AG) District to Rural Conservation (RC) District is approved, and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed in the Register of Deed’s office against subject property and any parcel situated partially or entirely within such legal description, and that the County Clerk shall make amendment to Buffalo County Zoning District Map originally adopted on or about September 10, 2002.

Chairperson Klein opened the public hearing at 9:28 A.M. for a special use permit to operate an educational and visitor center and install a sign and solar panels. Jennie Kozal, of Olson Engineering, Bill Taddicken, Director of National Audubon Society- Rowe Sanctuary, Highway Superintendent John Maul, and County Attorney Shawn Eatherton addressed the Board and answered questions. No one else addressed the Board and Chairperson Klein closed the hearing at 9:40 A.M. Moved by Maendele and seconded by Kouba to approve Special Use Permit application to operate an educational and visitor center and install a sign and solar panels, for tax parcels 720145000 and 720173000, located at 44450 Elm Island Road, Gibbon, Nebraska, and described as Government Lot One (1) in Section Fifteen (15), Township Eight (8) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska and Government Lot Eight (8) in Section Ten (10), Township Eight (8) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, providing the applicant satisfies all signage requirements, as set forth in the following Resolution 2023-21. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

RESOLUTION 2023-21

WHEREAS, Kristal Stoner, Executive Director for Audubon Great Plains, a regional office of The National Audubon Society, Inc., has filed for a Special Use Permit, with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, one application, which shows an application date of February 17, 2023, was filed with the Zoning Administrator on February 17, 2023, to operate an educational/visitor center, on the following legal description:

Lot One (1) in Section 15, Township 8 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska; And Lot Eight (8), in Section 10, Township 8 North, Range 14 West of the 6th P.M., Buffalo County, Nebraska.

hereinafter referred to as the “subject property”.

WHEREAS, on March 16, 2023, the Buffalo County Planning and Zoning Commission conducted a public hearing on the Special Use Permit Application. Thereafter, that Commission on an 8-0 vote with one absence and no abstentions, voted to forward this application to the County Commissioners with a “favorable” recommendation, and

WHEREAS, on April 11, 2023, the Buffalo County Board of Commissioners held a public hearing on this Special Use Permit and,

WHEREAS, six exhibits were attached to the application:

1. The Application of the Special Use Permit.
2. Legal Description & Local Address.
3. Grading Plan.
4. Site Plan.
5. Parking Plan.
6. Floor Plan.

WHEREAS, only a simple majority is required by this Board to approve this Special Use Permit because no protests against issuance of this permit have been filed, and

WHEREAS, the Board, after public hearing and review of the Special Use application, finds that the application should be approved, based upon the following findings and conditions:

- The proposed application has been permitted for the purposed of educational and community space.
- The permitted construction will contain two large additions and two with walkways/vestibules, as presented in the flood plan. These additions shall comply to Buffalo County Floodplain Regulations.
- The applicant shall have a post-construction inspection by The Buffalo County Sheriff’s Office to ensure compliance with Buffalo County Zoning Regulations, Section 10.22, to ensure interconnectivity needs of emergency personnel and services.
- As part of the application, roof-mounted solar panels to be installed on the structures as described in the application, is permitted, as a use by right, with a maximum 25kW rated nameplate capacity.
- The application includes a proposed new sign to be constructed. The sign is a use by right. A use by right matter is handled simply by the Zoning Administrator approving the use by right without needs of public hearings on the matter. Because the application for the special use permit also contained the request for a new sign, the Board believes that it can control the signage permit as a part of the special use permit. Had the sign permit been separately submitted, then the “use by right” with the sign standing by itself would apply. Therefore, to be assured that all interests in public safety regarding the application as a whole, the signage matter that relates to the special use permit will be retained by the Board for prompt action and review by this Board. The applicant is granted until May 9, 2023, to submit to the Buffalo County Planning and Zoning Administrator a signage design that is fully compliant with Buffalo County’s Zoning Resolutions. Should a design not be approved by close of this Board’s Regular meeting to be held May 9, 2023, Buffalo County reserves the power to issue a stop-work order on the proposed project in its’ entirety until the sign application is completely withdrawn or compliant plans submitted.
- There exists on the premises a sign located on county road right of way on the north side of Elm Island Road. This existing sign appears to have been erected without prior issuance of a zoning permit. This sign shall be removed in a timely manner, and if rebuilt, done in compliance with this county’s Zoning Resolution. Therefore, on or prior to May 9, 2023, by close of regular meeting of the Board of Commissions meeting of the same date, applicant shall submit a plan and timeline for removal of this existing signage. This provision in no way limits any legal remedies that Buffalo County can use to forcibly cause removal of the existing sign. This provision is meant to be a plan of removal of a noncompliant sign without the need to resort to use of legal means to resolve the existing noncompliant sign issue.
- The subject property abuts on the north side of Elm Island Road, which is a county-maintained road.
- Per Article 7, the applicant shall have, at a minimum, of 56 parking stalls and no less than one off-street loading area.

WHEREAS, this special use permit complies with Section 6.2 of Buffalo County’s Zoning Regulations because with the below stated conditions contained in this Resolution, the requested use/structure(s) would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS by a majority vote of its members, approves the applicants’ requested Special Use Permit, subject, however, to the following:

1. The facility, and applicant, shall adhere to the conditions as previously set out in this Resolution.
2. The facility shall remain in compliance with any and all State and Federal regulations.
3. Signage issues disclosed within the application are reserved for further review and action by the Board as set out above.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special use permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance. If the Zoning Administrator or any two members of this Board find at any time that the terms, conditions and requirements of this special use permit have not been complied with, or that any phase thereof has not been completed within the time required under said special use permit or any amendment thereto, the Zoning Administrator or any two members of this Board shall report this fact to the County Commissioners, and thereafter this Board may conduct review of compliance by public hearing with notice given to applicant(s) and/or entity using the subject property. Following such public meeting this Board may take any action it may deem necessary to secure compliance including revocation and termination of this special use permit

RESOLVED FURTHER that a copy of this Resolution shall be filed against the subject property as described above.

ROAD DEPARTMENT

Highway Superintendent John Maul was present for the following agenda item.

Chairperson Klein instructed County Clerk Christensen to open and read aloud the submitted bids for Structure NO. C001025925 Replacement Buffalo County, Nebraska OCE#9-C-38. Bids were submitted from the following companies: KEA Constructors, Midwest Infrastructure Inc. and Simon. Highway Superintendent Maul and the Road Committee will review the bids and come back with recommendations at the next meeting on April 25, 2023.

Moved by Loeffelholz and seconded by Higgins to recess the regular meeting of the Board of Commissioners at 9:49 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

BOARD OF EQUALIZATION

Chairperson Klein called the Board of Equalization to order in open session. County Assessor Roy Meusch was present.

Moved by Loeffelholz and seconded by Maendele to approve Tax List Corrections numbered 4969 through 4971 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Moved by Maendele and seconded by Morrow to approve the Valuation Changes submitted by County Assessor Meusch for Matthew W. Shiers, on parcel number 660009010. Upon roll call vote, the following Board members voted "Aye": Maendele, Morrow, Higgins, Kouba, Loeffelholz, Lynch and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Valuation Changes submitted by County Assessor Meusch for William J. Timm, on parcel number 602066203. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Maendele, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Lynch to approve the Valuation Changes submitted by County Assessor Meusch for Flying W, LLC on parcel number 060122000. Upon roll call vote, the following Board members voted "Aye": Morrow, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to approve the Valuation Changes submitted by County Assessor Meusch for Robert L. Hinkle on parcel number 602580140. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

Moved by Maendele and seconded by Loeffelholz to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:59 A.M. Upon roll call vote, the following Board members voted "Aye": Maendele, Loeffelholz, Higgins, Kouba, Lynch, Morrow and Klein. Motion declared carried.

REGULAR AGENDA

Chairperson Klein opened the public hearing at 10:00 A.M. for new applications for a retail liquor license (Class CK License) and a manager's application by Geo. Spencer Tasting Room, LLC dba George Spencer Tasting Room located at 7155 Pawnee Road, Gibbon, Nebraska. Stefan Kegley was present to introduce himself to the Board. No one else addressed the Board and Chairperson Klein closed the public hearing at 10:01 A.M. After review of the County Sheriff's office report, it was moved by Loeffelholz and seconded by Lynch to approve the request for a Class CK Liquor License and manager's application. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Kouba, Morrow and Klein. Abstain: Maendele. Motion declared carried.

Moved by Maendele and seconded by Higgins to approve the tax refund request on parcel 603825000 for George H. Hoagstrom. Upon roll call vote, the following Board members voted "Aye": Maendele, Higgins, Kouba, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Moved by Morrow and seconded by Higgins to approve the following Resolution 2023-22 authorizing County Attorney Shawn Eatherton to proceed with the foreclosure of County owned Tax Sale Certificates. Upon roll call vote, the following Board members voted "Aye": Morrow, Higgins, Kouba, Loeffelholz, Lynch, Maendele and Klein. Motion declared carried.

RESOLUTION 2023-22

WHEREAS, The Revised Statutes of Nebraska, 77-1901 through 77-1918 provides upon resolution by the County Board of Commissioners for foreclosure and sale of Real Estate Properties upon which Tax Sale Certificates have been placed and delinquent for three years, and

WHEREAS, the following Tax Sale Certificates have been placed on Real Estate Properties in Buffalo County, to wit:
Numbers: 20221

NOW THEREFORE BE IT RESOLVED , that the Buffalo County Board of Commissioners authorize the foreclosure and sale of the above referenced Tax Sale Certificates and request the County Attorney to proceed to such foreclosure and sale, in accordance with the laws of the State of Nebraska.

After discussion and review of the County Sheriff's report, it was moved by Maendele and seconded by Kouba to approve the Special Designated Liquor License application filed by B&B Research and Investments LLC; Trade Name: Village 1919, DBA: The Village for an events to be held at "The Farm" located at 51460 100th Road Shelton, NE 68876 on May 13, 2023. Upon roll call vote, the following Board members voted "Aye": Maendele, Kouba, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Buffalo County Emergency Manager Darrin Lewis, provided an update on the Two Way Secure Siren Warning activation project.

Moved by Kouba and seconded by Maendele to appointment new member Lisa Mitchell to the Veterans Service Committee to fill vacancy due to resignation with term ending June 30, 2026. Upon roll call vote, the following Board members voted "Aye": Kouba, Maendele, Higgins, Loeffelholz, Lynch, Morrow and Klein. Motion declared carried.

Curtis Coleman, President of CHI-Good Samaritan, and Nicki Bohl, Pharmacy Director, were present for the discussion of the agreement with CHI-Good Samaritan. After discussion, it decided by the Board of Commissioners to delay the decision of approval for this agreement.

After discussion, it decided by the Board of Commissioners to delay the Single Audit Report done by Dana F. Cole & Company, LLP for the fiscal year ending June 30, 2022 until the next meeting scheduled for Tuesday, April 25, 2023.

Chairperson Klein called for Citizen's forum and no one addressed the Board.

Chairperson Klein asked if there was anything else to come before the Board at 10:27 A.M. before he declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, April 25, 2023.

ATTEST:

Ivan Klein, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)